

LEGISLATIVE COMMITTEE ON NEW LICENSING BOARDS

Preliminary Assessment Report
for

Environmental Management Professionals

House Bill 1040



LEGISLATIVE COMMITTEE ON NEW LICENSING BOARDS

May 28, 1997

The Legislative Committee on New Licensing Boards is pleased to release this preliminary assessment report on the licensing of environmental management professionals. A final assessment report will be issued within the next three weeks.

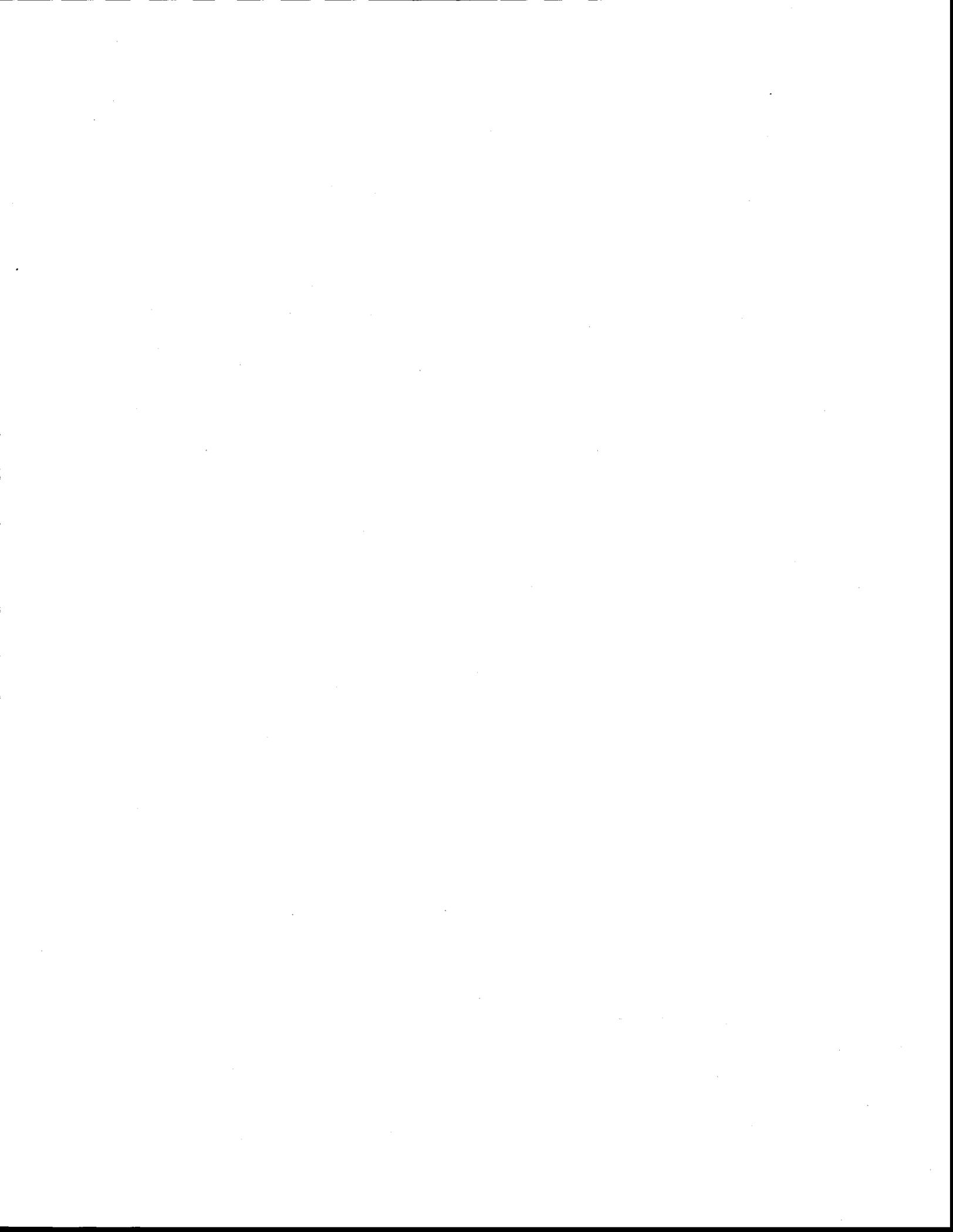


Representative Frank Mitchell, Chairman



Prepared by:

Linwood Jones, Counsel



LEGISLATIVE COMMITTEE ON NEW LICENSING BOARDS

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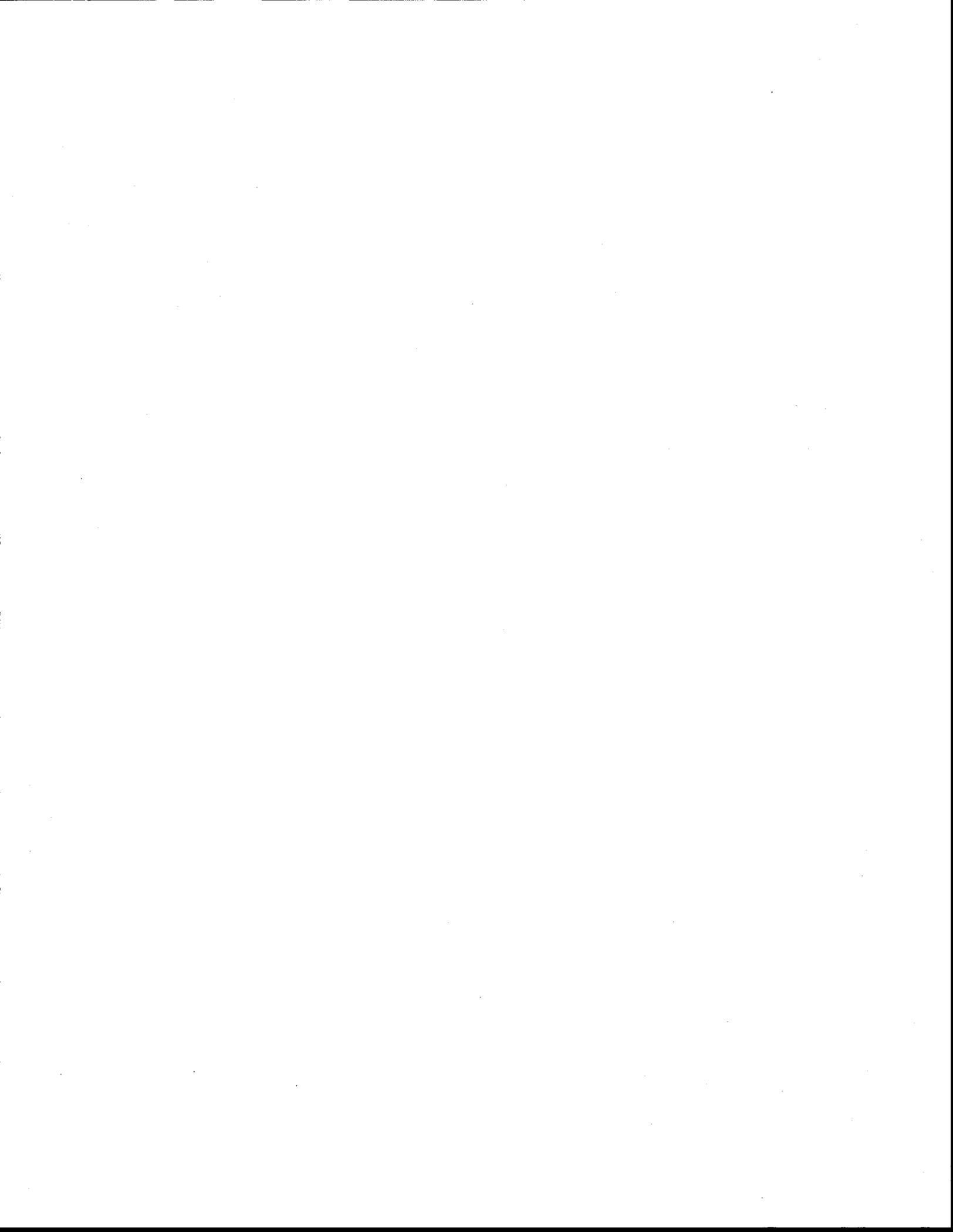
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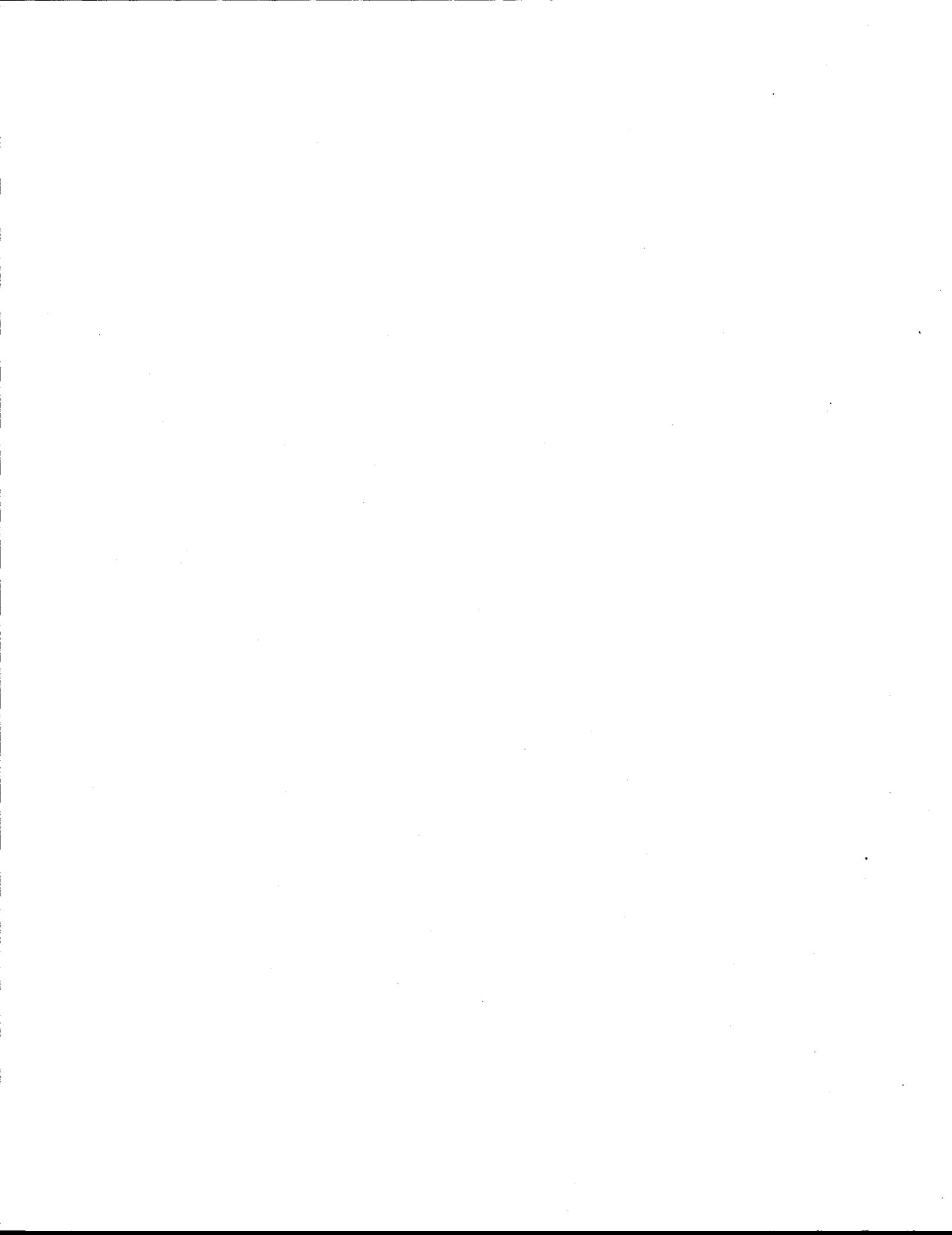
PREFACE

The Legislative Committee on New Licensing Boards is a 9-member joint committee of the House and Senate created and governed by statute (Article 18A of Chapter 120 of the General Statutes). The primary purpose of the Committee is to evaluate the need for a new licensing board or the proposed licensing of previously unregulated practitioners by an existing board. The Committee has been in existence since 1985.

The Committee solicits written and oral testimony on each licensing proposal in carrying out its duty to determine whether the proposal meets the following criteria:

- (1) Whether the unregulated practice of the profession can substantially endanger the public health, safety, or welfare, and whether the potential for such harm is recognizable and not remote or dependent upon tenuous argument.
- (2) Whether the profession possesses qualities that distinguish it from ordinary labor.
- (3) Whether practice of the profession requires specialized skill or training.
- (4) Whether a substantial majority of the public has the knowledge or experience to evaluate the practitioner's competence.
- (5) Whether the public can effectively be protected by other means.
- (6) Whether licensure would have a substantial adverse economic impact upon consumers of the practitioner's good or services.

The Committee issues an assessment report on its findings and recommendations. The recommendation in the report is not binding on other committees considering the proposal.



Environmental Management Professionals

Environmental management professionals, as recognized under House Bill 1040, are persons who practice environmental management. Environmental management practice includes the following types of activities relating to the preservation and protection of natural resources: advising, teaching, researching, designing, investigating, preparing reports, collection and analysis of data, monitoring natural resources and habitats, and the assessment and remediation of environmental hazards and contaminants or potential hazards.

Under House Bill 1040, a Board of Environmental Management Professionals would be created to license and regulate those who practice environmental management. To qualify for a license, a person must complete the Board exam and pay the required *fees (see proposed G.S. §89G-6)*. The Board can establish different classes of licenses and qualifications for obtaining the license (*see proposed G.S. §89G-9*). It is unclear what the criteria for licensure would be beyond the examination, although testimony in the Committee and the grandfather clause in Section 2 of the bill, which grandfathers in those persons who have met certain educational or experience requirements, suggests that there would be similar educational or experience requirements imposed on all applicants. In addition, the sponsor notes in the questionnaire response that most environmental management professionals have a four year college degree (*see Question 12*).

The background on the involvement of the environmental management profession in underground storage tank removal and site remediation and air

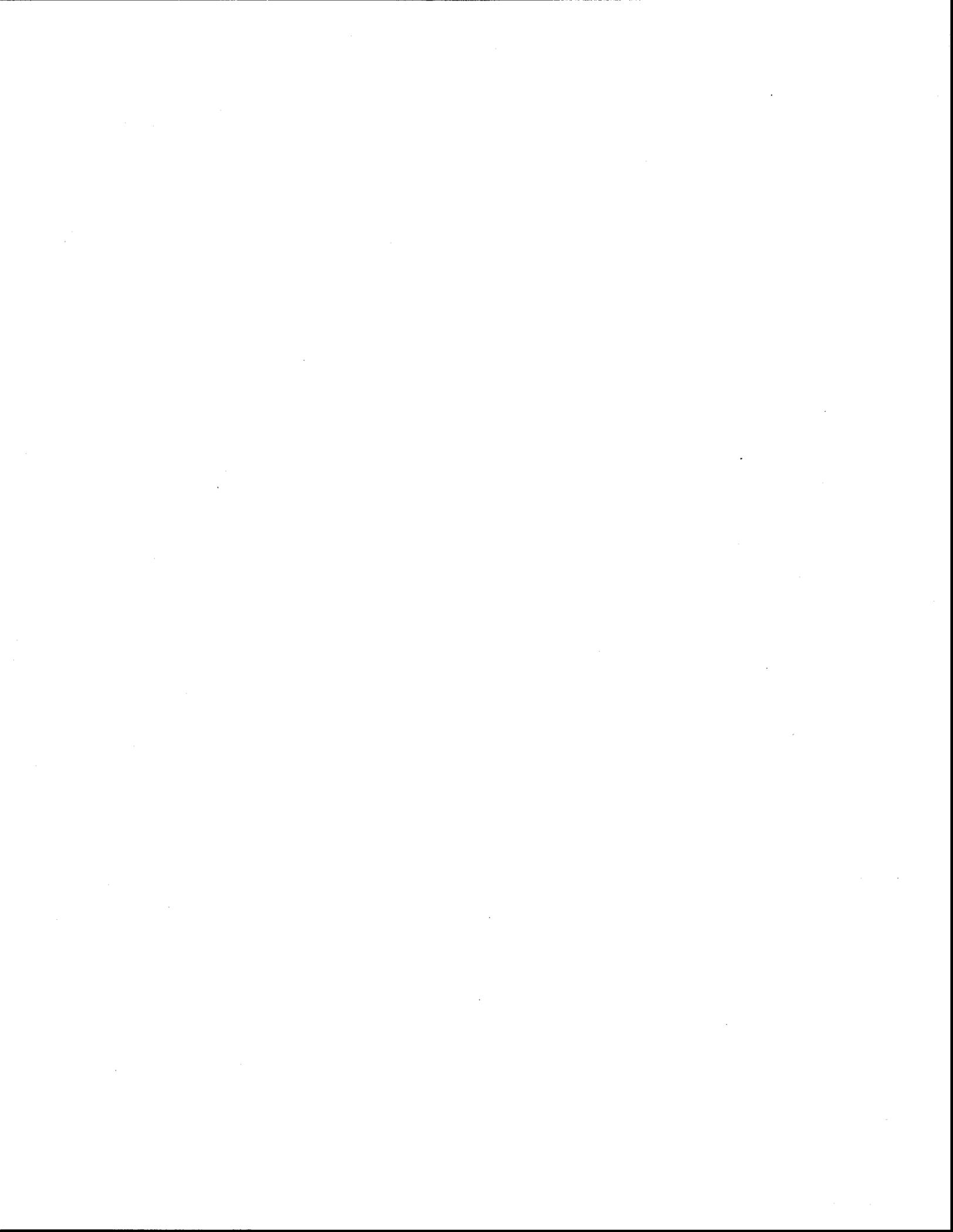
quality permits is discussed in the attached excerpt from the 1996 Report of the Legislative Committee on New Licensing Boards. The report was an assessment report from the 1996 session on House Bill 880, a bill that would have allowed DEHNR to recognize qualified environmental professionals for purposes of performing UST site work and doing air quality permits without an engineer's seal.

There are concerns about the breadth of the licensing proposal and the number of people that fall under the umbrella of "environmental professional" in House Bill 1040. There are also concerns about the proposal allowing persons not licensed as professional engineers to perform certain activities that have been deemed to constitute the practice of engineering.

The Legislative Committee on New Licensing Boards finds that the proposal to license environmental management professionals does not satisfy the six statutory criteria by which the Committee judges licensure proposals (*see preface*). Specifically, the unregulated practice of the profession will not substantially harm or endanger the public health, safety, or welfare, the public can effectively be protected by other means, and most of the public has the knowledge or experience to evaluate the practitioners' competence.

The Legislative Committee on New Licensing Boards recommends that the legislature not license environmental management professionals. This assessment report constitutes the preliminary assessment report for the licensing of environmental management professionals. The report is based on the proposed licensing of environmental management professionals as set out in

House Bill 1040, the response to the Committee's questionnaire (attached), and testimony before the Committee on May 19, 1997.



**ENVIRONMENTAL
MANAGEMENT PROFESSIONALS**





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RESEARCH DIVISION

May 9, 1997

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**RE: Response to Memo of 5/6/97 - The Committee on New Licensing Boards
Questions and Review of H.B.1040 Presented By Rep. Steve Wood**

Dear Mr. Jones:

We are responding to your questions in the memo you faxed on May 6, 1997. The responses will be supported by collected documentation which will be sent to you. The questions submitted are very similar to those asked of the Committee on New Licensing Boards during the May 25, 1995 review of House Bill 880. I have also enclosed the response to that questionnaire. The Alliance of North Carolina Environmental Professionals have met during this past year and developed House Bill 1040 - Environmental Management Professionals based on comments and recommendations of other professional boards, state and federal regulatory changes and suggestions from the general public.

Please note we are now requesting the establishment of a professional licensing board to register qualified individuals and oversee the practice of environmental management within the state. The lack of a state licensing board was a major concern with and fostered opposition to HB 880 - Qualified Environmental Professionals in 1995.

Question 1 - In what ways has the marketplace failed to regulate adequately the profession or occupation?

The marketplace has failed to regulate the profession of Environmental Professional by the market having to operate under the presence of a general statute (ie. 89C) which benefits a small segment of the profession (ie. Professional Engineers) to the exclusion of others in the profession. Those qualified environmental professionals who do not hold a professional engineer's certification are penalized with a loss of economic opportunity to practice their profession. It is highly unlikely that there are sufficient numbers of certified engineers in the marketplace to adequately service the needs for nondesign related environmental management activities. As a result environmental compliance costs are artificially high for those industries and individuals seeking environmentally related permit management services. This is of particular concern to the Forsyth County Environmental Affairs Department, as well as, other state and local regulatory agencies. The Forsyth County Environmental Affairs Department continually and conscientiously seeks ways with which to lower the environmental compliance costs of its regulated community.

Question 2 - Have there been any complaints about the unregulated profession or occupation? Please give specific examples including complainant's name and addresses.

These complaints came to light early 1992 with the EPA's program to remove old underground storage tanks (UST). There were many reports of contamination of soils and groundwater through out the state. Some sites were improperly managed by individuals pulling tanks having no experience nor awareness of the hazards involved. DEHNR responded in 1994 by modifying policies to require only Professional Engineers or Geologists to actively oversee UST projects involving contamination. This has been well documented by Department of Water Quality.

This action immediately removed many qualified individuals from providing services related to UST removal and site remediation. Shortly after the Department of Air Quality established its policy to have Professional Engineers complete and seal air permits. The non-engineering environmental professionals were placed at an economic disadvantage and not allowed to practice their trade.

Question 3 - In what ways has the public health, safety, or welfare sustained harm or is in imminent danger of harm because of the lack of state regulation? Please give specific examples.

Public health and safety has been compromised in the areas of environmental management because there are too few licensed engineers with a competency in environmental management to service the private and public sectors of the state. The recent news covering hog farm wastes, contaminated rivers and tidal basins, poor air quality, hazardous waste sites demonstrate the need for better management of the environment. More professionals are needed now to halt the degradation and begin the remediation of the environment. The licensing of these individuals will have the effect of tripling number of competent environmental professionals available to investigate and service these issues.

Question 4 - Is there potential for substantial harm or danger by the profession or occupation to the public health, safety or welfare? How can this potential for substantial harm or danger be recognized?

Environmental Professionals prepare environmental audits, reports, conduct assessments, impact analysis, regulatory analysis and permit applications in support of capital projects in the public and private sector. If done improperly such analysis may lead to very negative environmental impacts stemming from such capital projects.

Question 5 - Has this potential harm or danger to the public been recognized by other states or the federal government through licensing or certification process? Please list the other states and any applicable federal law.

California EPA has established a program: Registered Environmental Assessor, to register environmental professionals which conduct environmental work in the state. The South Coast Air Quality Management District also certifies people involved in the preparation of air quality permits. Environmental licensing bills have been introduced into the state legislatures of Florida and Connecticut.

North Carolina DEHNR, Division of Solid & Hazardous Waste has established a program: Registered Environmental Consultants, for environmental management activities of hazardous waste sites within the state.

Question 6 - What will be the economic advantage of licensing to the public?

The economic advantages of such a licensure to the public will be realized by a lowering of environmental compliance costs due to the existence of a greater and adequate number of qualified practitioners with the passage of the bill. Under present circumstances there are far too few qualified professionals, i licensed engineers, within North Carolina to carry the large workload necessary to manage the needs of the regulated community. Mr. Roger Allen, PE has researched and compiled data to support this claim.

To further demonstrate the severity of the situation, with the lone exception of a supporter of this bill, the Professional Engineers of North Carolina (PEN) and the Consulting Engineers Council of North Carolina (CEC) cannot find any licensed engineers in North Carolina with at least 15 years, or even 10 years full time, hands-on experience in air quality to sit on their joint Environmental Committee. PENC and CEC represent approximately one fourth of the estimated 8100 licensed engineers who reside in North Carolina. This is, at least, prima facie evidence that the engineering community does not have the talent base necessary to service air quality permitting activities. Creation of a licensing board for environmental professionals would rectify that situation.

Question 7 - What will be the economic disadvantage of licensing to the public?

None

Question 8 - What will be the economic advantage of licensing to the practitioners?

Practitioners will benefit economically by not being constrained to hire professional engineers to do work that they are well qualified to do themselves.

Question 9 - What will be the economic disadvantage of licensing to the practitioners?

Since practitioners already incur the expense of certification by various nationally recognized boards and institutions, costs of certification will be minimal or non existent. What extra costs are incurred will be easily offset by either the avoidance of having to hire a professional engineer(or geologist) or the ability to offer environmental services to the business community and/or public sectors.

Question 10 - Please give other potential benefits to the public or licensing that outweigh to potential harmful effects of licensure such as a decrease in the availability of practitioners and higher cost to the public.

Unqualified practitioners will be removed from the market place because they will not be given a license. Unethical practitioners will be removed from the marketplace through the disciplinary procedures of the licensing board. This will enhance public health and welfare by ensuring that only qualified and ethical persons provide environmental services.

Question 11 - Please detail the specific specialized skills or training that distinguish the occupation or profession from ordinary labor.

The specific skills depend on the environmental media affected (air, water, soil) and the type of analysis, report or assessment conducted. These skills include training and schooling in specialized areas

of: biology, hydrology, meteorology, environmental science, chemistry, physics, mathematical and computer science, toxicology, industrial processes and industrial hygiene.

Question 12 - What are the other qualities of the profession or occupation that distinguish it from ordinary labor?

Environmental Management is a true profession. Practitioners typically have at least a four year college degree. Advanced schooling and graduate level degrees are common within the environmental professional community. They must exercise substantial judgement because the measurement, mathematical and modeling tools utilized are complex and require the proper use of educated assumptions in order to derive an accurate conclusion.

Question 13 - Will licensing requirements cover all practicing members of the occupation or profession? If any practitioners will be exempt, what is the rationale for the exemption?

The licensing requirement applies to persons who offer environmental management services to the public. If exemptions are allowed, they may relate to certain certification programs already in place at NC-Department of Environment, Health and Natural Resources (Asbestos Management Licensing Program, Public Sanitarian, etc.) The rationale for exemption these ongoing programs would be to eliminate duplicate licensing/certification programs.

Question 14 - What is the approximate number of persons who will be regulated and the number of persons who are likely to utilize the services of the occupation or profession?

Within the first few years of the program approximately 1000 to 1500 persons would be licensed. The users of these services will be those firms and organizations that currently utilize outside environmental consulting services. Those firms and organizations include manufacturing industries, public utilities and certain State and local agencies.

Question 15 - What kind of knowledge or experience does the public need to evaluate the services offered by the practitioner?

The public must be satisfied that the practitioners have the training and experience to perform the specific environmental management service requested. This evaluation can be accomplished through the review of the practitioner's experience record, references from peers and superiors, and examination process.

Question 16 - Does the occupational group have an established code of ethics, a voluntary certification program, or other measures to ensure a minimum quality of service?

There is a wide variety of nationally recognized private organizations in the environmental fields that involve credentialing or certification. The appointed Board would have the charge to distinguish between substantive and non substantive credentials. However, in no case can these organizations prevent incompetent or unethical environmental managers from practicing. When these organizations have discovered incompetent or unethical behavior, they will remove the individual from their membership.

Only those credentialing organizations which ethically promote environmental management in the best interest of the citizens of North Carolina will be considered by the Board. The individual will

maintain state licensing with the Board. The Board can investigate and revoke the license of incompetent or unethical environmental managers from practicing in the state.

Listed are several of these national organizations:

Institute of Professional Environmental Practice (IPEP) headquartered in Pittsburgh, PA is an independent not-for-profit certifying organization for the Qualified Environmental Professional (QEP) certification.

Institute of Hazardous Materials Management (IHMM) headquartered in Rockville, MD is an independent certifying organization for the Certified Hazardous Materials Manager (CHMM) certification. The CHMM certification is offered at two levels, (senior or master level) depending on the applicant's education and experience.

National Registry of Environmental Professionals (NREP), headquartered in Glenview, IL is a non-for-profit organization providing professional registration to qualified individuals. NREP offers two levels of environmental professional certification, depending on applicant's education and experience, the Registered Environmental Manager (REM) and the Registered Environmental Professional (REP).

National Association of Environmental Professionals (NAEP), headquartered in Washington DC, is a certifying organization which offers the Certified Environmental Professional (CEP) credential to qualified applicants. The CEP may elect for additional certification in one of five environmental disciplines offered in the NAEP program.

American Conference of Governmental Industrial Hygienists (ACGIH) headquartered in Cincinnati, Ohio is a professional society and certifying organization which offers the Certified Industrial Hygienist (CIH) credential to qualified applicants.

These credentialing organizations are similar with minimum requirements of a college degree in a scientific discipline, documented work experience in environmental projects, continuing education, submission of personal reference, subscribing to a code of ethics, and successful passage of an environmental exam. These organizations also require their members to show evidence of continuing education or training to demonstrate on going proficiency in order to maintain and/or renew certification.

Environmental professionals belong to many trade or technical associations that are involved in specific environmental issues. These associations normally do not require certification of its membership but rather the group's active participation on identifying and solving environmental issues. Some of the national trade and technical associations include:

- Air & Waste Management Association
- American Academy of Environmental Engineers
- American Association for the Advancement of Science
- American Chemical Society
- American Industrial Hygiene Association
- American Institute of Chemical Engineers
- American Meteorological Society

American Society for Testing & Materials
American Society of Mechanical Engineers
American Society of Safety Engineers
American Water Works Association
Association of Local Air Pollution Control Officials
Carolinas Air Pollution Control Association
Chemical Manufactures Association
Council of Engineering & Scientific Boards
Environmental Auditing Roundtable
National Ground Water Association
Solid Waste Association of North America
State & Territorial Air Pollution Program Administrators
Water Environment Federation

I hope that this letter and the enclosed supplement of documents assists in helping you and the Committee on New Licensing Boards to better understand the need for the state of North Carolina to recognize the "Environmental Professional". If you have any questions or comments, please call me at your convenience, (910) 869-3097.

James E. Husted QEP,CHMM

June 1, 1995

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**RE: RESPONSE TO MEMO OF 5/26/95, THE COMMITTEE ON NEW LICENSING
BOARDS TO REVIEW H.B.880 PRESENTED BY REP. STEVE WOOD.**

Dear Mr. Jones:

I am responding to your questions in the memo you faxed on May 26, 1995. The responses will be supported by collected documentation which will be sent to you. I have met with other environmental professionals as House Bill 880 was developed and have included their comments in these answers.

Please note we are not requesting the establishment of a professional licensing board but rather the state's acknowledgement of existing national environmental certification boards. This would allow qualified environmental professionals to continue offering environmental services in this state.

This request for environmental competency recognition by the state stems from the following two incidences. In Jan. 1994, DEM modified 15NCAC 2L and 2N regulations to require a PE or PG to sign off on site assessment activity surrounding underground storage tank removal and contamination clean up. In Feb. 1995, DEM modified 15NCAC 2Q regulations to require a PE to sign off on air permits for industrial complexes. Prior to this time the rules stated any knowledgeable individual could perform these tasks. Many environmental consultants, state regulatory agents and plant engineers completed these tasks routinely but not are not qualified to continue. No mechanism was established by the state to either "grandfather" these existing environmental professionals or recognize their competency.

Question 1 - Approximately how many environmental professionals are there in NC that are not licensed as geologists or PEs?

The survey tabulated earlier this year indicates approximately 500 individuals living in NC have current registration with one or more of the four most prominent national environmental associations (IPEP, IHMM, NAEP, NREP). Phone conversations with the executive directors of these associations indicates approximately 15% of their memberships are Professional Engineers.

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June 1, 1995 - Page 2

Question 2 - What is the nature of the reports and/or work for which DEM requires a geologist or PE license or seal? What are

these reports used for?

As mentioned earlier, DEM requires PE or PG signatures on reports issued in compliance to 15NCAC 2L and 2N regulations. These reports (dealing with tank removal and site clean up) are the Underground Storage Tank (UST) Closure, the 45 Day Incident report, the Comprehensive Site Assessment (CSA), and the Corrective Action Plan (CAP). These reports are submitted to regional DEHNR offices to document UST removal and/or site remediation if a release has been detected. The CSA and CAP reports show the extent of the contamination and the elected method of cleaning up the release.

The report generated under the 15NCAC 2Q regulation is a new or renewal permit to operate air emission devices normally associated with an industrial manufacturing plant. This air permit application is to be sealed by a PE. These permits are used to establish operating parameters under which an industry may discharge regulated pollutants into the air. Annual fees are normally assessed based on the volume of pollutants emitted and the manufacturing equipment listed in the permit. Operating outside the limits of the facility's air permit may result in fines, rescinding of the permit and/or criminal prosecution.

Question 3 - Does the EPA or other federal agencies require similar reports, and if so, do they require the services of licensed geologists and PE?

In the cases mentioned above the state of NC has been granted the authority to oversee the federal programs dealing with Underground Storage Tanks, Clean Water and Air Quality. The state has basically adopted in total the EPA federal laws and regulations as they stand. However, the federal laws do not specify that these environmental reports must be signed by a PG or PE.

There are other EPA statues that require any "competent or qualified" individual to complete. Under the Superfund Amendments and Reauthorization Act (SARA) several reports, the Tier II and Form R are due annually. The Resource Conservation and Recovery Act (RCRA) requires contingency planning of a facility for chemical emergencies, hazardous waste handling and biannual reporting for large quantity generators. (This report is required annually in North Carolina). The 1994 Clean Air Act revisions under Title V does not require PE signoff in the federal version of the document.

Question 4 - Define, as best you can, the nature of the work of an "environmental professional". For example, what types of activities do they perform? To what extent do these activities overlap with those of geologists, PEs and soil scientists?

The environmental professional is an individual, through education, training and experience, who is capable of analyzing, evaluating, monitoring and implementing corrective measures to protect the earth's environment, ecology and human health to standards and guidelines established by regulatory agencies. The environmental professional is multi faceted and able to work with environmental issues involving air, water, soil and proper utilization of natural resources. The monitoring, handling, manufacturing, processing and minimizing of hazardous materials, chemicals and wastes is a major function of an environmental professional. These activities require the individual to possess a broad knowledge of many scientific, biologic, zoologic, engineering and medical topics.

These activities may be further explained by quoting the definition developed by the Institute of Professional Environmental Practice, (similar definitions of the professional responsibilities are stated by the other national environmental associations):

Among other responsibilities and expertise, environmental professionals will have in depth expertise related to one or more of the following areas:

1. Direct educational, corporate, institutional, governmental and consulting environmental programs.
2. Perform or direct investigations of environmental matters.
3. Interpret results of studies and present specific conclusions to appropriate interested parties, such as the public, corporate and government officials.
4. Make specific decisions as to the need for, or the effectiveness of, environmental control measures, and when necessary, advise as to the operational procedures which will be suitable and effective.
5. Prepare rules, regulations, standards, and procedures, and direct needed action to implement them.
6. Present expert testimony before courts of law, hearing boards, commissions, regulatory agencies and legally appointed investigative bodies covering matters pertaining to their professional expertise.

7. Apply for, prepare, review and approve permits for operating facilities and direct needed action to obtain them.

8. Conduct programs for the education of other professionals and the general public in environmental management.

9. Conduct research to advance knowledge about environmental pollution and ecological subjects.

Some of these environmental tasks can and do overlap into areas traditionally considered as a specific occupation. In the case of an underground tank removal - consultants, well drillers, soil scientists, geologists, general contractors, and engineers have successfully completed projects to state and federal standards. Their success is attributed to their understanding of the multiple environmental issues involved in the project and orderly progression of tasks to completion. There are individuals from these occupations who have not displayed the same level of success in tank projects and this is due mainly to the lack of training in environmental disciplines.

The national associations that register environmental professionals utilize testing programs to demonstrate the individual's environmental proficiency. Applicants must document their college education, total work experience, years in environmental projects, and provide character references. These associations also require membership to advance their personal environmental awareness and through successful completion of continuing education programs. The credentialed environmental professionals must abide to a code of ethics and conduct established by the national association.

Question 5 - Do you know of other states (you mentioned California) that recognize environmental professionals? How do those states determine the professional's qualifications and competence?

California has established a program to register environmental professionals which conduct environmental work in the state. A summary of California's Registered Environmental Assessor law is included in the appendix of the supporting documents binder. I have calls into these national associations to send information on various state acceptance and registration programs of their environmental professionals.

Question 6 - What are the major national organizations and societies that environmental professionals can belong to? What are the educational, experience, and examination requirements for membership, registration, certification, etc. in each one?

Many organizations and societies have affiliations with environmental professionals, for your consideration, four of the major national associations are presented here. They were selected due to their stringent criteria to credential the environmental professional and national recognition as bona fed organization.

Institute of Professional Environmental Practice (IPEP) headquartered in Pittsburg, PA is an independent not-for-profit certifying organization for the Qualified Environmental Professional (QEP) certification.

Institute of Hazardous Materials Management (IHMM) headquartered in Rockville, MD is an independent certifying organization for the Certified Hazardous Materials Manager (CHMM) certification. The CHMM certification is offered at two levels, (senior or master level) depending on the applicant's education and experience.

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National Association of Environmental Professionals (NAEP), headquartered in Washington DC, is a certifying organization which offers the Certified Environmental Professional (CEP) credential to qualified applicants. The CEP may elect for additional certification in one of five environmental disciplines offered in the NAEP program.

Included in the Supplemental Documents are information and application packets on these organizations. All are similar with minimum requirements of a college degree in a scientific discipline, documented work experience in environmental projects, continuing education, submission of personal reference, subscribing to a code of ethics, and successful passage of an environmental exam.

Environmental professionals belong to many trade or technical associations that are involved in specific environmental issues. These associations normally do not require certification of its membership but rather the group's active participation on identifying and solving environmental issues. Some of the national trade and technical associations include:

Air & Waste Management Association
American Academy of Environmental Engineers
American Association for the Advancement of Science
American Chemical Society
American Industrial Hygiene Association
American Institute of Chemical Engineers
American Meteorological Society
American Society for Testing & Materials
American Society of Mechanical Engineers
American Society of Safety Engineers
American Water Works Association
Association of Local Air Pollution Control Officials
Carolinas Air Pollution Control Association
Chemical Manufactures Association
Council of Engineering & Scientific Boards
Environmental Auditing Roundtable
National Ground Water Association
Solid Waste Association of North America
State & Territorial Air Pollution Program Administrators
Water Environment Federation

I hope that this letter and the enclosed supplement of documents assists in helping you and the Committee on New Licensing Boards to better understand the need for the state of North Carolina to recognize the "Environmental Professional". If you have any questions or comments, please call me at your convenience, (910) 869-3097.

Sincerely,

James E. Husted QEP,CHMM

*1996 Excerpt
Legislative Comm. on New Licensing Boards*

QUALIFIED ENVIRONMENTAL PROFESSIONALS

Environmental professionals are a class of persons who perform analysis, evaluation, testing, and monitoring of the environment, including the air, soils, groundwater, surface water, and related resources. Under the proposal before the Committee, an environmental professional whose credentials were recognized by the Department of Environment, Health, and Natural Resources would be recognized to perform and sign off on certain categories of work that are currently restricted to registered professional engineers and geologists. The categories of work involve air quality standards, emission control standards, classifications for air contaminant sources, water quality standards and classifications, water and air quality reporting, and underground storage tanks used for storage of hazardous substances or oil.

Air quality permits had reportedly been issued for nearly 25 years in North Carolina without an engineer's seal on the documentation for the permitted site. In many instances, this work was done by industrial hygienists. Water quality permits were issued only if engineer's seal was present. A few years ago, the issue was raised with the Board of Registration of Land Surveyors and Professional Engineers whether the work being performed by industrial hygienists and other environmental professionals for air quality permits constituted the practice of engineering. The Board ruled that certain of the activities involved did constitute the practice of engineering and, therefore, the seal of a professional engineer on the work would be required. The Board of Registration for Geologists reached a similar conclusion with respect to activities falling under the geologists' practice act.

As a result, an environmental professional who is neither a professional engineer nor a licensed geologist must have an engineer or geologist seal the work for these permits. The environmental professional will still often be involved in the process, providing "significant technical assistance and support" to the engineers and geologists. (See letter from Rainer, Kretchman, Pecarina, and Macdonald (NCSU Environmental Health and Safety Center)).

Under the proposal considered by the Committee, the Environmental Management Commission would be given the authority to determine which types of existing certifications, registrations, and licenses exhibit the necessary competency for environmental engineers to perform these activities. The Commission would review the educational and experience requirements of these licenses, certifications, and registrations before determining which are appropriate for recognition. There are several existing national credentialing boards and societies, including, for example, the Institute of Professional Environmental Practice (IPEP), the Institute of Hazardous Materials Management (IHMM), the National Registry of Environmental Professionals

(NREP), and the National Association of Environmental Professionals (NAEP). Each of these organizations listed impose educational and experience requirements as a prerequisite for credentialing.

It is believed that there are approximately 500 persons in North Carolina who would qualify as "environmental professionals" under the proposal if the 4 major credentialing organizations were recognized by DEHNR. It is also believed that about fifteen percent of the memberships of these organizations are professional engineers (see letter from Mr. Jim Husted or Husted and Associates to Mr. Linwood Jones, Committee Counsel, June 1, 1995).

This proposal was first brought before the General Assembly in the 1995 session. Representative Steve Wood introduced House Bill 880. The Legislative Committee on New Licensing Boards heard House Bill 880 during the 1995 session and issued an assessment report on June 15, 1995, in which it found that House Bill 880 did not meet the criteria for licensure under G.S. 120-149.4(b). Later in the session, this matter was included in the omnibus study bill (HB 898) so that it could, with the approval of the Legislative Research Commission, receive additional study. The Legislative Research Commission met and referred the matter to the Legislative Committee on New Licensing Boards for a second review if it chose to conduct a second review. The Committee met in February and March of this year to review the proposal further.

At its first meeting, the Committee heard testimony in favor of the proposal (HB 880). See the Committee Proceedings for February 18, 1996. At its second meeting, the Committee continued its consideration of the proposal to allow qualified environmental professionals to perform certain activities relating to DEHNR requirements that are now restricted to engineers and geologists. See the Committee Proceedings for the March 22, 1996 meeting.

The Committee finds that the proposal to recognize qualified environmental professionals does not meet the applicable statutory criteria in Article 18A of Chapter 120 of the General Statutes and recommends that the General Assembly do not give favorable consideration to the proposal. This report constitutes both the preliminary and the final assessment reports on this proposal.

